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EXAMINER	
VANDERHORST, MARIA VICTORIA	
ART UNIT	PAPER NUMBER
4194	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/710,413	JANSEN, MICHAEL E.	
	Examiner	Art Unit	
	VICTORIA VANDERHORST	4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *23-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-28* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 0200* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/9/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claim 1-22 drawn to promotion of entertainment, classified in class 705, subclass 14, Distribution or redemption of coupon, or incentive or promotion program.

   II. Claim 23-25, drawn to scheduling of administrative function, classified in class 705, subclass 08, Allocating resources or scheduling for an administrative function.

   III. Claim 26-28 drawn to a building architecture, classified in class 52, subclass 205, Access portal in interior partition; e.g., into office or storage space.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination

is separately usable. In the instant case, subcombination II has separate utility such as management arrangement and allocating resources. See MPEP § 806.05(d).

3. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination III has separate utility such as building structure. See MPEP § 806.05(d).

4. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination III has separate utility such as building structure. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

5. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention**.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly

and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Election/Restrictions

6. During a telephone conversation with Mr. Marc E. Brown, attorney of record, on February 26th, 2008 a provisional election was made without traverse to prosecute the invention of Motion Picture Theater and associated promotion, claims 1-22. Affirmation of this election must be made by applicant in replying to this Office action. Claims 23-28

are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objection

7. Claim1-28 objected to because of the following informalities: improper claim notation applicant use of letter "c" associated with the number. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The word "may" renders the claim indefinite because it is unclear whether the limitations following the word are part of the claimed invention.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,848,219 Standard, in view of US patent 5,524,195 Clanton, and further in view of US Patent 5,619,247 Russo.

As to claim 1, Standard discloses a method of promoting and playing a motion picture at a theater (**Standard discloses an adaptable theater and multiplex that comprises a projection screen and projection room, Abstract. The theater can be networked to a digital video distribution system, wherein videos are transmitted digitally to the theater and projected using a digital video projection system, Col. 2:34-45**).

Standard does not disclose promoting the motion picture in a manner that communicates to a prospective patron that: the motion picture is not scheduled to begin at the theater at any particular time;

the prospective patron may visit the theater when convenient for the prospective patron;

and the motion picture will begin shortly after the prospective patron arrives at the theater;

and begin playing the motion picture within no more than a pre-determined time period after a visiting patron arrives at the theater.

However, Clanton discloses promoting a motion picture in a manner that communicates to a prospective patron that:

the motion picture is not scheduled to begin at the theater at any particular time (**Clanton discloses that his system provides a graphical user interface for selecting and displaying videos on demand coupled to a communication medium for receiving digitalized movies. Since his system provides video on demand (VOD) capabilities, it does not schedule to begin at the theater in any particular time. Additionally, Clanton discloses that his system uses for promotion and advertisement a poster wall that the user may navigate and a movie preview over the selection of the poster, Fig. 5,Col. 3:60-61,Col. 4:1-4, Fig. 8**);

the prospective patron may visit the theater when convenient for the prospective patron (**Col. 1:42-46**);

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Clanton's teaching into the system of Standard so as to use a method of promoting (virtual or physical poster wall and posters) in addition to playing a motion picture in a matter that communicates to a prospective patron that the motion picture or movie is not scheduled to begin at the theater (the theater can be networked to a digital video distribution system) at any particular time (VOD capability offers schedule flexibility); the prospective patron may visit the theater at his/her convenience (VOD capability offers convenient schedule to select and view movies),

thereby providing schedule flexibility for a prospective patron, with multi broadcast capabilities, resulting in greater satisfaction for the patron.

Standard does not disclose a motion picture that begins shortly after the prospective patron arrives at the theater;

and begin playing the motion picture within no more than a pre-determined time period after a visiting patron arrives at the theater.

However, Russo teaches a motion picture that begins shortly after the prospective patron is ready for the movie, then the motion picture begins playing within no more than a pre-determined time period (**Russo discloses a method pay-per-play, that using near-video-on-demand capability, allows broadcast the same program in several channels simultaneously, by offset in time by multiples of 10 or 15 minutes, Col. 1:24-34, Col. 2:66-67, Col. 3:1-11**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Russo teaching into the system of Standard so as to use a method of promoting (virtual or physical poster wall and posters) in addition to playing a motion picture in a matter that communicates to a prospective patron that the motion picture or movie is not scheduled to begin at the theater (the theater can be networked to a digital video distribution system) at any particular time (VOD capability offers schedule flexibility); the prospective patron may visit the theater at his/her convenience (VOD capability offers convenient schedule to select and view movies), then the motion picture begins shortly after the prospective patron arrives at the theater; and begin playing the motion picture within no more than a pre-determined time period after a visiting patron arrives at the theater (near-video-on-demand capability allows broadcast the same program in several channels simultaneously, by offset in time by multiples of 10 or 15 minutes), thereby providing schedule flexibility for

a prospective patron, with multi broadcast capabilities, resulting in greater satisfaction for the patron.

As to claim 2, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 1 under 35 U.S.C 103(a), but Standard does not disclose promoting, the motion picture, in a manner that communicates to the prospective patron that the prospective patron must arrive at the theater within a time frame

However, Russo discloses promoting, the motion picture, in a manner that also communicates to the prospective patron that the prospective patron must arrive at the theater within a time frame (**Russo discloses that with video pay-per-play using near-video-on-demand capability provides a patron with convenience, since the broadcast technique used allows a single movie to be transmitted in different channels with the beginning of each movie starting at a different time. The VOD capability gives to the patron a plurality of frame of times when a movie is available in a schedule, Col. 1:25-34, Col. 2:66-67, and Col. 3:1-11**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Russo's teaching into the system of Standard in order to provide schedule flexibility for a prospective patron.

As to claim 3, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 1 and 2 under 35 U.S.C 103(a), but Standard does not disclose the time frame is defined by two stated times

However, Russo discloses the time frame is defined by two stated times (**VOD capability gives to the patron a plurality of frame of times when a movie is available in a schedule, Col. 1:25-34, Col. 2:66-67, Col. 3:1-11**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Russo's teaching into the system of Standard in order to provide schedule flexibility for a prospective patron.

As to claim 4, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 1 under 35 U.S.C 103(a), but Standard does not disclose the promoting is in a manner that also communicates to the prospective patron that the motion picture will begin within no more than a stated time period after the prospective patron arrives at the theater.

However, Russo discloses the promoting is in a manner that also communicates to the prospective patron that the motion picture will begin within no more than a stated time period after the prospective patron arrives at the theater (**Russo discloses that with video pay-per-play using near-video-on-demand capability provides a patron with convenience , since the broadcast technique used allows a single movie to be transmitted in different channels with the beginning of each movie starting at a different time. The VOD capability gives to the patron a plurality of frame of times**

when a movie is available in a schedule, Col. 1:25-34, Col. 2:66-67, and Col. 3:1-11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Russo's teaching into the system of Standard in order to provide schedule flexibility for a prospective patron.

11. Claim 5-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,848,219 Standard, in view of US patent 5,524,195 Clanton, in view of US Patent 5,619,247 Russo and further in view of US Patent 7,024,681 Fransman.

As to claim 5, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 1 under 35 U.S.C 103(a), but Standard does not disclose that the motion picture begins to play at the earlier of the following:

the pre-determined time period after the visiting patron arrives at the theater

However, Russo discloses that the motion picture begins to play at the earlier of the following:

the pre-determined time period after the visiting patron arrives at the theater (**Russo discloses that with video pay-per-play using near-video-on-demand capability provides a patron with convenience, since the broadcast technique used allows a single movie to be transmitted in different channels with the**

beginning of each movie starting at a different time. The VOD capability gives to the patron a plurality of frame of times when a movie is available in a schedule, Col. 1:25-34, Col. 2:66-67, and Col. 3:1-11);

Furthermore, Standard does not disclose that the motion picture begins to play when a pre-determined level of visiting patrons at the theater has been reached.

However, Fransman teaches a motion picture that begins to play when a pre-determined level of video capacity has been reached (**Fransman discloses that a NVOD system coupled with a master scheduler system that receives, processes, and disseminates near-video-on-demand (NVOD) schedule-related information for an end-to-end NVOD service (each theater or video store of a plurality of theaters or stores) (Abstract). Further he discloses that his system is couple with a video server content manager that allows administrators to monitor and control the loading and unloading of content (Col. 15:35-43), so the administrator can control the total capacity and the remaining capacity for providing content (Col. 16:16-24), also since the Fransman's system is coupled with a database, system alerts can be generated when the database reaches a certain low level of capacity because insufficient resources to meet patrons using the NVOD system (Col. 24:1-9)**)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Russo and Fransman's teaching into the system of Standard in order to determine capacity level of the system to provide a motion video to a plurality of patrons.

As to claim 6 contain limitations already addressed in claims 1 and 5, the claims are rejected in like manner.

As to claim 7, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 6 under 35 U.S.C 103(a), but Standard does not teach the method of playing a motion picture wherein the pre-determined level is a function of the time of day.

However, Fransman teaches the method of playing a motion picture wherein the pre-determined level is a function of the time of day (Clanton teaches **the downloading of movies for viewing is by starting time and date, Col. 2:1-7, additionally Fransman discloses that his system is couple with a video server content manager that allows administrators to monitor and control the loading and unloading of content (Col. 15:35-43), so the administrator can control the total capacity and the remaining capacity for providing content (Col. 16:16-24)**.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Fransman's teaching into the system of Standard in order to determine capacity versus schedule to provide a motion video to a plurality of patrons.

As per claim 8, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 6 under 35 U.S.C 103(a), but

Standard does not teach a method of playing a motion picture wherein the pre-determined time period is a function of the time of day.

However, Clanton teaches the method of playing a motion picture wherein the pre-determined time period is a function of the time of day (**the downloading of movies for viewing is by starting time and date, Col. 2:1-7**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Clanton's teaching into the system of Standard in order to determine schedule to provide a motion video to a plurality of patrons.

As to claim 9, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 6 under 35 U.S.C 103(a), but Standard does not teach the method of playing a motion picture wherein the pre-determined level is a function of the popularity of the motion picture.

However, Clanton and Fransman teaches the method of playing a motion picture wherein the pre-determined level is a function of the popularity of the motion picture (**Clanton teaches the function of "top 10 listing of the week", Col. 2: 59-67, additionally Fransman discloses that his system is couple with a video server content manager that allows administrators to monitor and control the loading and unloading of content (Col. 15:35-43), so the administrator can control the total capacity and the remaining capacity for providing content (Col. 16:16-24)**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Clanton and Fransman's teaching into the system of

Standard in order to determine popularity of the motion picture to provide a motion video to a plurality of patrons.

As to claim 10, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 6 under 35 U.S.C 103(a), but Standard does not teach the method of playing a motion picture wherein the pre-determined time period is a function of the popularity of the motion picture.

However, Clanton teaches the method of playing a motion picture wherein the pre-determined time period is a function of the popularity of the motion picture (**the downloading of movies for viewing is by starting time and date, Col. 2:1-7, additionally the system provides the "top 10 listing of the week", Col. 2: 59-67**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Clanton's teaching into the system of Standard in order to determine schedule and popularity of the motion picture to provide a motion video to a plurality of patrons.

As to claim 11, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 6 under 35 U.S.C 103(a), further Standard teaches the method of playing a motion picture wherein:

the theater is in a complex of theaters (**Abstract, Col 8:44-54**);

but Standard does not teach that the pre-determined level is a function of the number of theaters in the complex.

However, Fransman discloses that the pre-determined level is a function of the number of theaters in the complex (**Fransman discloses that his system is couple with a video server content manager that allows administrators to monitor and control the loading and unloading of content (Col. 15:35-43), so the administrator can control the total capacity and the remaining capacity for providing content (Col. 16:16-24)**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Fransman's teaching into the system of Standard in order to determine capacity to provide a motion video to a plurality of patrons.

As to claim 12, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 6 under 35 U.S.C 103(a), further Standard teaches the method of playing a motion picture wherein:

the theater is in a complex of theaters (**Abstract, Col 8:44-54**);

but Standard does not teach that the pre-determined time period is a function of the number of theaters in the complex.

However, Clanton and Fransman discloses that the pre-determined time period is a function of the number of theaters in the complex (**Clanton teaches the function of starting time, and time period, the week, Col. 2: 1-7:59-67, additionally Fransman discloses that his system is couple with a video server content manager that**

allows administrators to monitor and control the loading and unloading of content ,Col. 15:35-43, so the administrator can control the total capacity and the remaining capacity for providing content,Col. 16:16-24).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Clanton and Fransman's teaching into the system of Standard in order to determine schedule versus capacity to provide a motion video to a plurality of patrons.

As to claim 13, Standard discloses a system for playing a motion picture at a theater to a plurality of patrons (**Abstract**) comprising:

a projector for projecting the motion picture in the theater (**Abstract**);

but Standard does not teach a processing system configured to cause the projector to begin projecting the motion picture a pre-determined time period after the first of the plurality of patrons arrives at the theater.

However, Fransman discloses a processing system configured to cause the projector to begin projecting the motion picture a pre-determined time period after the first of the plurality of patrons arrives at the theater (**Standard teaches the theater can be networked to a digital video distribution system (Col 2:34-45), also Fransman discloses that his system is couple with a video server content manager that allows administrators to monitor and control the loading and unloading of content (Col. 15:35-43), so the administrator can control the total capacity and the remaining capacity for providing content (Col. 16:16-24)**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Fransman's teaching into the system of Standard in order to provide schedule flexibility for a prospective patron

As per claim 14, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 13 under 35 U.S.C 103(a) but Standard does not teach a processing system wherein the processing system is further configured to cause the projector to begin playing the motion picture when a pre-determined level of patrons at the theater is reached, if earlier than the pre-determined time period after the first of the plurality of patrons arrives at the theater.

However, Fransman discloses a processing system wherein the processing system is further configured to cause the projector to begin playing the motion picture when a pre-determined level of patrons at the theater is reached, if earlier than the pre-determined time period after the first of the plurality of patrons arrives at the theater (**Standard teaches the theater can be networked to a digital video distribution system (Col 2:34-45), also Fransman discloses that his system is couple with a video server content manager that allows administrators to monitor and control the loading and unloading of content (Col. 15:35-43), so the administrator can control the total capacity and the remaining capacity for providing content (Col. 16:16-24)**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Fransman's teaching into the system of Standard in order to provide schedule flexibility for a prospective patron.

As to claim 15, see the discussion of claim 6 and 7.

As to claim 16, see the discussion of claim 6 and 8.

As to claim 17, see the discussion of claim 6 and 9.

As to claim 18, see the discussion of claim 6 and 10.

As to claim 19, see the discussion of claim 6 and 11.

As to claim 20, see the discussion of claim 6 and 12.

As to claim 21, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 13 under 35 U.S.C 103(a), but Standard does not teach an input system configured to receive and communicate information indicative of the arrival of at least the first of the plurality of patrons and wherein the processing system is further configured to receive the information from the input system and to use the information in determining when to cause the projector to begin projecting the motion picture.

However, Fransman discloses an input system configured to receive and communicate information indicative of the arrival of at least the first of the plurality of patrons and wherein the processing system is further configured to receive the information from the input system and to use the information in determining when to cause the projector to begin projecting the motion picture (**Standard teaches the**

theater can be networked to a digital video distribution system (Col 2:34-45), also Fransman discloses that his system is couple with a video server content manager that allows administrators to monitor and control the loading and unloading of content (Col. 15:35-43), so the administrator can control the total capacity and the remaining capacity for providing content (Col. 16:16-24), Fransman's system can also generate automated alerts when is with full capacity or low capacity (Col. 24:1-9)).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Fransman's teaching into the system of Standard in order to provide schedule flexibility for a prospective patron.

As to claim 22, Standard discloses a method of promotion and playing a motion picture at a theater as applied in the rejection of claim 13 under 35 U.S.C 103(a), but Standard does not teach an input system that comprising a timing system configured to determine when the predetermined time period has elapsed.

However, Fransman discloses an input system that comprising a timing system configured to determine when the predetermined time period has elapsed (**Fransman discloses that NVOD technology provides a staggering time that automatically allows video signal starting at a different time(Col. 1:29-38, Col. 2:9-19)**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Fransman's teaching into the system of Standard in order to provide schedule flexibility for a prospective patron.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maria Victoria Vanderhorst/
Examiner, Art Unit 4194
/V. V./

March 3, 2008

/Charles R. Kyle/

Supervisory Patent Examiner, Art Unit 4194